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REMARKS

Claims 1, 2 and 5-8 are now in the case.

Claims 3, 4, and 9-15 have been canceled.

No claim has been allowed.

The Amendments.

Independent Claim 1 has been amended to incorporate the limitations of dependent Claims 3 and 4, which have now been canceled. Paragraph (b) of Claim 1 has been amended to recite that the pivotal attachment means is secured to the top of the bucket as best illustrated in FIGS. 1 and 4. The dependency of Claim 8 has been changed from Claim 7 to Claim 6 as suggested by the Examiner.

The Rejection under 35 U.S.C. §112, second paragraph.

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Withdrawal of this rejection is requested. Applicants have amended Claim 1 to remove the limitation "near" and have corrected the dependency of Claim 8 so as to provide antecedent basis for the recitation "a third plane". Accordingly, the basis for this rejection is deemed to be overcome.

The Rejection under 35 U.S.C. §102(b).

Claims 1, 2 and 5-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fryrear. In view of the present amendment to the claims, withdrawal of this rejection is deemed to be in order and is hereby requested.

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Applicants acknowledge the teachings by Fryrear of an excavator bucket in combination with sockets for receiving subsoiling shanks, and in combination with curvilinear subsoiling shanks secured within the sockets. However, the claims as now amended further require extension of the bucket side walls, wherein the extensions comprise coulter blades. Insofar as dependent Claims 3 and 4, as well as dependent Claim 9, drawn to this embodiment were not included in the subject rejection, it is clear that Fryrear fails to anticipate Claim 1, as now amended.

The Rejection under 35 U.S.C. §103(a).

Claims 3, 4, and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fryrear in view of Clark. Withdrawal of this rejection is requested for the reasons that follow.

Clark has been relied upon to show a backhoe bucket in combination with a pair of saw blades secured to the sidewalls of the bucket. The function of the saw blades is to cut kerfs in frozen earth, limestone and the like in order to facilitate excavation of the material between the blades by the bucket. In contrast, the rippers of Fryrear are intended to penetrate and disturb hard or rock filled earth, as opposed to material that is amenable to "sawing" as in Clark. There is no suggestion in Fryrear that the bucket thereof could be further equipped with saws; and there is no suggestion in Clark, that the bucket thereof could be further equipped with subsoiling shanks or rippers as urged by the Examiner. Moreover, the saw of Clark is not the same as the coulter blade of the Applicants, and there is no suggestion in either Clark or Fryrear of the functional advantage of using subsoiling shanks together with coulter

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blades. As noted on page 10 of Applicants' specification, positioning of the coulter blades between the bottom of the bucket and the shanks serves to extend the maximum effective subsoiling depth. In paragraph [0026] on page 12 of the specification, the function of the coulter blade in shearing organic debris, such as tree roots or branches, is described. By tilting the bucket toward the ground, the excavator operator can pin the object against the soil (whether the object is on the soil surface or beneath the surface), thereby enabling the blade to impart a guillotine action on the object. Applicants further state that the paired coulter blades and shanks cooperate with one another and serve to stabilize longer pieces of debris that exceed the breadth of the bucket while being subjected to shearing forces. Shearing the debris prevents it from being pulled through the soil or across the soil surface by the subsoiling shanks, thereby helping to preserve the integrity of the topsoil or other soil stratum. Insofar as the saw of Clark requires a back and forth motion to be effective, and insofar as the saw is designed to cut through friable material (e.g. frozen soil or limestone), it would not serve the same function of shearing organic material as the coulter blade of Applicants. Moreover, the requisite back and forth motion of the saw of Clark would result in undue disturbance of non-frozen soil, counter to many reforestation operations where Applicants' invention is intended to keep soil displacement and mixing at a minimum (see last sentence in paragraph [0026]).

Summary.

Applicants have amended the claims in an effort to overcome issues under 35 U.S.C. §112, second paragraph, and to limit the

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claims to a preferred embodiment of the invention comprising an excavator bucket in combination with both subsoiling shanks and coulter blades. The amendment clearly overcomes the rejection under 35 U.S.C. §102(b) as being anticipated by Fryrear. Moreover, the claims as now amended are believed to define an invention that is not suggested by the combined teaches of Fryrear and Clark. Applicants arguments are deemed to overcome the *prima facie* rejection of obviousness by delineating functional advantages of subsoiling shanks and coulter blades used in combination with another that are not suggested by the applied art.

Accordingly, Claims 1, 2 and 5-8 are believed to be in condition for allowance, and a favorable action thereon is earnestly solicited. If the Examiner has any questions or wishes to discuss the resolution of any remaining issues, he is invited to call the undersigned at 309-681-6512.

Respectfully submitted,



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